

PATENT

Attorney Docket No. 23842

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan DRIZEN  
Peter ROTHBART  
Gary M. NATH

Serial No.: Not yet assigned

Filed: Not yet assigned

For: **TOPICAL DRUG PREPARATIONS**

TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Filing Form for Continuing U.S. Patent Application;
- 3) Preliminary Amendment;
- 4) Copy of U.S. Parent Application No. 08/796,578 as originally filed;  
37 pages of text (specification, claims, abstract);  
44 claims;
- 5) Copy of Original Executed Small Entity Statement;
- 6) Copy of Original Executed Declaration of Patent Application with copies of transmittal documents, as filed May 23, 1997, including a check in the amount of \$794.00;
- 7) Copy of Executed Assignment with copies of transmittal documents, as filed on May 23, 1997; and
- 8) Check No. 11116 in the amount of \$698.00.

The Assistant Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

Respectfully submitted,

NATH & ASSOCIATES

Date:

April 8, 1999

NATH & ASSOCIATES  
1030 Fifteenth Street, N.W.  
Sixth Floor  
Washington, D.C. 20005  
Tel: (202) 775-8383  
Fax: (202) 775-8396

Gary M. Nath  
Gary M. Nath  
Reg. No. 26,965  
Suet M. Chong  
Reg. No. 38,104

1/2/Re ad

# NATH & ASSOCIATES

Gary M. Nath (NJ)\*  
Harold L. Novick (DC, MD)  
Suet M. Chong (DC)

Irvin A. Lavine (DC), Retired  
Donald M. Sandler (MD), Retired\*

Patent, Trademark and Copyright Causes  
Unfair Competition, Trade Secrets,  
Licensing and Litigation

\*Practice limited to Matters and Proceedings  
before Federal Courts and Agencies; not Admitted  
in DC

Attorneys at Law  
1030 Fifteenth Street, N.W.  
Sixth Floor  
Washington, D.C. 20005

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Todd L. Juneau (DC, IL)  
Patricia M. Drost (DC, VA)  
Gregory B. Kang (NJ, DC)  
Michelle L. Hartland (VA)\*  
Scott F. Yarnell (MD)\*  
Lee C. Heiman (CA)\*  
Jerald L. Meyer (VA)\*  
Paul A. Sacher (MD)\*  
David R. Murphy (VA)\*  
Robert G. Lev (DC)†  
Alvin E. Tanenholtz \*\*  
Joshua B. Goldberg\*\*  
David H. Milligan\*\*

But  
6-22-00

† Of Counsel

\*\* Registered Patent Agent: not Admitted in DC

## FILING FORM

### FOR CONTINUING U.S. PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. This is a Request for filing a 37 C.F.R. § 1.53(b)  
Continuation of **prior** application:

Serial No. 08/796,578  
Filed: February 6, 1997  
Entitled: TOPICAL DRUG PREPARATIONS

which is a continuation-in-part of **prior** application:

Serial No. 08/536,750  
Filed: September 29, 1995  
Entitled: SUSTAINED RELEASE DELIVERY SYSTEM

2. X Enclosed for applications under 37 CFR §§ 1.53(b) are:  
37 pages of text (specification, claims, abstract)  
0 sheets of drawings

3. The **present** application names the following inventor(s):

Alan Drizen  
Peter Rothbart  
Gary M. Nath

4. X Enclosed is a true copy of the prior application as  
originally filed; amendments (if any) referred to in the  
oath or declaration filed to complete the prior

aa

09288233-040899

**PATENT**

Attorney Docket No. 23842

application did not introduce new matter. The **Total Filing Fee** is calculated as follows:

\_\_\_ Enter the Amendment filed in the prior patent application on \_\_\_ prior to calculating the filing fee.

X Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		NON-SMALL ENTITY	
	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE	RATE	FEE
TOTAL	38	minus 20	18	x 9=	\$162	x22=	\$ 0
INDEP	7	minus 3	- 4	x39=	\$156	x82=	\$ 0
BASE FILING FEE:				+380=	\$380	+790=	\$ 0
XX Multiple Dependent Claims				+135=	\$xxx	+270=	\$ 0
				TOTAL	\$ 698	OR TOTAL	\$ 0

X Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:

X was filed in the parent application, and small entity status is still proper and desired;  
 \_\_\_ is filed herewith  
 \_\_\_ will be filed at a later date.

X A check including the above-indicated filing fee is enclosed.

\_\_\_ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$ \_\_\_ extension fee.

\_\_\_ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of **\$40.00** per Assignment.

\_\_\_ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

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PATENT

Attorney Docket No. 23842

- ☒ The prior application is assigned of record to L.A.M. Pharmaceuticals, LLC, the Assignments being recorded on May 21, 1997, on Reel 8515, Frame 0092.
- ☐ An original executed Declaration is enclosed.
- ☒ Amend the specification by inserting before the first line the sentence:

aa' --This application is a continuation application of U.S. patent application Serial No. 08/796,578, filed February 6, 1997, <sup>now U.S. Patent 5,892,880</sup> which is a continuation-in-part of U.S. patent application Serial No. 08/586,750, <sup>filed September 25, 1995, now abandoned</sup> the entire contents of both of which are hereby incorporated in their entirety.--

- 558040-0328240
- ☐ Foreign priority under 35 U.S.C. § 119 of \_\_\_\_\_ application(s) \_\_\_\_\_, filed \_\_\_\_\_, is hereby claimed. The certified priority paper(s):
- ☐ was/were filed in the parent case;
  - ☐ is/are enclosed herewith;
  - ☐ will be submitted at a later date.
- ☒ The power of attorney in the prior application is to Gary M. Nath, Reg. No. 26,965; Harold L. Novick, Reg. No. 26, 011; Suet M. Chong, Reg. No. 38,104; Todd L. Juneau, Reg. No. 40,699; Patricia M. Drost, Reg. No. 29,790; Lee Heiman, Reg. No. 41,827; and Robert G. Lev, Reg. No. 30,280.
- ☐ The power appears in the original papers in the prior application.
- ☒ Address all future communications to:

Gary M. Nath  
Nath & Associates  
1030 15th Street, N.W.  
Sixth Floor  
Washington, D.C. 20005

Attorney Docket No. 23842

- ☒ If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby

**PATENT**

Attorney Docket No. 23842

petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

X The Assistant Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

Respectfully submitted,

**NATH & ASSOCIATES**

Date:

April 8, 1999

Gary M. Nath

Gary M. Nath  
Reg. No. 26,965

**NATH & ASSOCIATES**

1030 15th Street, N.W.  
Sixth Floor  
Washington, D.C. 20005  
Tel: (202) 775-8383  
Fax: (202) 775-8396  
GMN:SFY/cont.frm

ra

PATENT BOX  
Attorney Docket No. 22890XX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Alan DRIZEN et al.

Group Art Unit: 1205

Serial No. 08/796,578

Examiner: Dufor

Filed: February 6, 1997

For: TOPICAL DRUG PREPARATION

jc530 U.S. PTO  
09/288238  
04/08/99

TRANSMITTAL LETTER

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

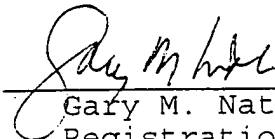
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Notice to File Missing Parts dated April 29, 1997;
- (2) Executed Declaration; and
- (3) Check No. 6834 in the amount of \$794 to cover the basic filing fee of \$ 729.00 plus the \$65 late surcharge;

Please charge any required fee, or credit any overpayment, in connection with this matter to deposit Account No. 14-0112.

Respectfully submitted,

By:



Gary M. Nath  
Registration No. 26,965

Date: May 21, 1997  
NATH & ASSOCIATES  
1835 K Street N.W., Suite 750  
Washington, D.C. 20006-1203  
(202) 775-8383

PATENT BOX  
Attorney Docket No. 22890XX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Alan DRIZEN et al.

Group Art Unit: N/A

Serial No. 08/796,578

Examiner: Dufor

Filed: February 6, 1997

For: TOPICAL DRUG PREPARATIONS

04/08/99  
09/288238  
JES30 U.S. PTO

TRANSMITTAL LETTER

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Request for Recordation of Assignment Cover Sheet;
- (2) Executed Assignment: and
- (3) Check No. 6831 in the amount of \$40.00 to cover the cost of the government fee for recordation of Assignment.

Please charge any required fee, or credit any overpayment, in connection with this matter to deposit Account No. 14-0112.

Respectfully submitted,

By: \_\_\_\_\_

Gary M. Nath

Registration No. 26,965

Date: May 23, 1997  
NATH & ASSOCIATES  
1835 K Street N.W., Suite 750  
Washington, D.C. 20006-1203  
(202) 775-8383

NATH & ASSOCIATES

6831

DATE : May 23 1997  
CHE # : 6831  
AMOUNT : 40.00  
ACCOUNT: GENERAL 26  
PAID TO: COMMISSIONER OF PATENTS AND TRADEMARKS

22890XX

CLIENT: 2095 - LAM PHARMACEUTICALS  
MATTER: 22890xx

6831

**NATH & ASSOCIATES**  
PATENT & TRADEMARK ACCOUNT  
1835 K STREET, N.W., SUITE 750  
WASHINGTON, DC 20006

GEORGE MASON BANK N.A.  
WASHINGTON, D.C. 20006  
15-155-540

6831

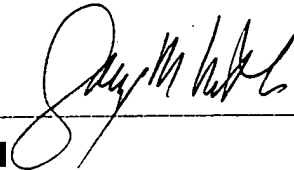
FORTY \*\*\*\*\* 00/100 DOLLARS

DATE

AMOUNT

May 23 1997 \$40.00

PAY TO THE ORDER OF COMMISSIONER OF PATENTS AND TRADEMARKS



22890XX





RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of Conveying Party(ies):

RDN THERAPEUTICS, INC.

☐ Additional names of conveying parties attached.

## 2. Name and Address of Receiving Party(ies):

Name: L.A.M. PHARMACEUTICALS, LLC

Internal Address:

Street Address: C/O SFBC  
11190 Biscayne Boulevard

City, State, Zip: Miami, Florida 33181-3405

☐ Additional name(s) and address(es) attached.

## 3. Nature of Conveyance

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other:

Execution Date: April 27, 1997

## 4. (A) Patent Application Number(s):

08/796,578

## 4. (B) Patent Number(s):

If this document is being filed together with a new application, the execution date of the application is: February 6, 1997.

☐ Additional Numbers Attached.

## 5. Name and Address of Party to whom Correspondence Concerning this Document Should be Mailed:

Name: Gary M. Nath  
Address: NATH & ASSOCIATES  
1835 K Street, N.W. -- Suite 750  
Washington, D.C. 20006

## 6. Total Number of Applications and Patents Involved:

1

## 7. Total Fee:

(37 CFR 3.41)

\$ 40.00

- ☐ Enclosed.  
☐ Authorized to be charged to deposit account.

## 8. Deposit Account Number:

14-0112

ATTACH DUPLICATE COPY OF THIS PAGE IF PAYING BY DEPOSIT ACCOUNT.

DO NOT USE THIS SPACE

## 9. Statement and Signature:

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.*

Name of Person Signing

Gary M. Nath, Reg. No. 26,965

Date

May 23, 1997

Attorney Docket No.: 22890XX (Topical)

Total number of pages comprising cover sheet:

1

Jc530 U.S. PTO  
09/288238  
04/08/99

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION given to RDN THERAPEUTICS, INC., a corporation organized and existing under the laws of the Country Canada, hereinafter referred to as the ASSIGNORS, who is the owner of a certain improvement relating to: **TOPICAL DRUG PREPARATIONS** for which U.S. Patent Application Serial No. 08/796,578 filed February 6, 1997.

AND WHEREAS, L.A.M. PHARMACEUTICALS, LLC, a corporation organized and existing under the laws of Florida, whose post office address/business address is: 11190 Biscayne Boulevard, Miami, Florida 33181-3405, hereinafter referred to as the ASSIGNEE is desirous of acquiring hereinafter the entire right, title and interest for the United States and elsewhere throughout the world in and to said inventions and patent applications, including any and all divisions and continuations thereof, and any and all Letters Patent that may be granted thereon, including any and all renewals, reissues and prolongations thereof.

NOW, THIS WITNESSETH that for an in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, said ASSIGNOR hereby assign, sell and transfer to said ASSIGNEE, its assigns and legal representatives, the entire exclusive right, title and interest in and to said inventions and patents, for the United States and elsewhere throughout the world, said ASSIGNEE and its assigns and legal representatives to have, hold, exercise and enjoy the said invention and application, including any and all divisions and continuations thereof, and any an all Letters Patent which may be granted thereon, including any and all renewals, reissues and prolongations thereof, with all the rights, powers, privileges, and advantages in any way arising from or pertaining thereto, for and during the term or terms of any and all such Letters Patent, including any and all renewals, reissues, and prolongations thereof, for the use and benefit of said ASSIGNEE and its assigns and legal representatives in as ample and beneficial a manner to all intents and purposes as the said ASSIGNOR might or could have held and enjoyed the same, if this assignment has not been made.

AND said ASSIGNOR(S) hereby agree to execute all papers necessary to file applications in the United States and elsewhere throughout the world for said invention and to assign the same to said ASSIGNEE, or any assignee acquiring title to said invention, and to execute any other papers that may be needed in connection with filing said application and securing Letters Patent thereon.


The undersigned hereby grants Gary M. Nath, Registration No. 26,965, Irvin A. Lavine, Registration No. 16,838, Suet M. Chong, Registration, No. 38,104, Richard E. Campbell, Registration No. 34,790, and Karen L. Orzechowski, Registration No. 31,621, all of Nath & Associates located at 1835 K Street, N.W., Suite 750, Washington, DC 20006-1203, the right to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

AND said ASSIGNOR(S) authorize and request the Commissioner of Patents to issue Letters Patent on said application, and on any and all divisions and continuations thereof, to said ASSIGNEE, its assigns and legal representatives, in accordance herewith.

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
this 27<sup>th</sup> day of April 1997.

RDN THERAPEUTICS, INC.

By: \_\_\_\_\_

  
Alan Brizen  
President

APRIL 27/97  
Date

FILING RECEIPT

Jc530 U.S. PTO  
09/288238  
04/08/99

Attorney Docket No. 22890XX

Date: May 23, 1997

Attorney: GMN

Fee: \$779.00

Inventors: Alan DRIZEN et al.

Serial No. 08/796,578

Filed: February 6, 1997

Title: TOPICAL DRUG PREPARATIONS

**DOCUMENTS BEING FILED:**

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

- (1) Transmittal Letter;
- (2) Recordation of Assignment Cover Sheet;
- (3) Executed Assignment; and
- (4) Check No. 6831 in the amount of \$40 to cover the cost of the government filing fee for recordation.

NATH & ASSOCIATES  
1835 K Street, N.W., Suite 750  
Washington, D.C. 20006-1203  
(202)-775-8383

**FILE CHECK**

Prepared by:

Approved by:

Copy reviewed:

Filed by:

*[Handwritten signature]*



FILING RECEIPT

Attorney Docket No. 22890XX

Date: May 23, 1997

Attorney: GMN

Fee: \$779.00

Inventors: Alan DRIZEN et al.

Serial No. 08/796,578

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NATH & ASSOCIATES  
1835 K Street, N.W., Suite 750  
Washington, D.C. 20006-1203  
(202)-775-8383

**FILE CHECK**

Prepared by:

Approved by:

Copy reviewed:

Filed by:

  
\_\_\_\_\_  
\_\_\_\_\_



FILING RECEIPT



Attorney Docket No. 22890XX

Date: May 27, 1997

Attorney: GMN

Fee: \$794.00



Inventors: Alan DRIZEN et al.

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- (3) Executed Declaration; and
- (4) Check No. 6834 in the amount of \$794.00 to cover the cost of the base application filing fee and surcharge.

NATH & ASSOCIATES  
1835 K Street, N.W., Suite 750  
Washington, D.C. 20006-1203  
(202)-775-8383

**FILE CHECK**

Prepared by:

Approved by:

Copy reviewed:

Filed by:

FILING RECEIPT

Attorney Docket No. 22890XX

Date: May 27, 1997

Attorney: GMN

Fee: \$794.00

JC530 U.S. PTO  
09/288238



Inventors: Alan DRIZEN et al.

Serial No. 08/796,578

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NATH & ASSOCIATES  
1835 K Street, N.W., Suite 750  
Washington, D.C. 20006-1203  
(202)-775-8383

**FILE CHECK**

Prepared by:

Approved by:

Copy reviewed:

Filed by:

  
\_\_\_\_\_  
\_\_\_\_\_

DATE : May 27 1997  
CHE # : 6834  
AMOUNT : 794.00  
ACCOUNT: GENERAL 26  
PAID TO: THE COMMISSIONER OF PATENTS & TRADEMARKS

SERIAL# 08/796578-ALAN DRIZEN

CLIENT: 2095 - LAM PHARMACEUTICALS  
MATTER: 22890xx

6834

**NATH & ASSOCIATES**  
PATENT & TRADEMARK ACCOUNT  
1835 K STREET, N.W., SUITE 750  
WASHINGTON, DC 20006

GEORGE MASON BANK N.A.  
WASHINGTON, D.C. 20006  
15-155-540

6834

SEVEN HUNDRED NINETY FOUR \*\*\*\*\* 00/100 DOLLARS

DATE

AMOUNT

May 27 1997 \$794.00

PAY  
TO THE  
ORDER  
OF  
THE COMMISSIONER OF PATENTS & TRADEMARKS

SERIAL# 08/796578-ALAN DRIZEN

⑈006834⑈ ⑆054001550⑆ 02023083⑈

NATH &amp; ASSOCIATES

6834

DATE : May 27 1997  
CHE # : 6834  
AMOUNT : 794.00  
ACCOUNT: GENERAL 26  
PAID TO: THE COMMISSIONER OF PATENTS & TRADEMARKS  
SERIAL# 08/796578-ALAN DRIZEN  
CLIENT: 2095 - LAM PHARMACEUTICALS  
MATTER: 22890xx  
LAWYER: Gary M. Nath

\*\* GENERAL BALANCES \*\*

UNBILLED DISBS: 857.34  
A/R BALANCE : 15370.46

\*\* TRUST BALANCES \*\*

TRUST BALANCE : 0.00